



Exempt Action Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC25-192-10 et seq.
Regulation title	Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations (AFOs)
Action title	Amend and reissue the Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations (AFOs)
Document preparation date	February 7, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 14 (2010) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The State Water Control Board is amending the Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations (AFOs) in order to reissue the permit regulation. The VPA general permit has a ten year permit term which expires on November 15, 2014. The VPA General Permit Regulation for AFOs governs the pollutant management activities of animal wastes at AFOs not covered by a Virginia Pollutant Discharge Elimination System (VPDES) permit, and having 300 or more animal units utilizing a liquid manure collection and storage system. These AFOs may operate and maintain treatment works for waste storage, treatment or recycle and may perform land application of manure, wastewater, compost, or sludges.

Emerging manure handling and treatment technology is making the transfer and possible marketing of manure based products off the farm more common as well as prompting the consideration of importing other wastes to supplement treatment processes. The current regulation does not address waste (manure) transfer, the construction and operation of alternative manure treatment and storage facilities or the management of off-site generated waste materials to be used to feed an on-farm digester or other

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manure treatment technology. The proposed amendments include options to transfer animal waste off the farm as long as specific requirements are followed by the permittee and the end-users of the animal waste. The proposed amendments include options to manage imported waste materials as long as specific requirements by the permittee.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

In 1994, the Virginia General Assembly passed House Bill 222 (62.1-44.17:1) establishing the general permit for confined animal feeding operations. The Act required the State Water Control Board to adopt the general permit, establish provisions for issuing the general permits and establish criteria for the design and operation of the confined AFOs. Virginia Code §62.1-44.17:1 authorizes the State Water Control Board to establish and implement the general permit for confined AFOs having 300 or more animal units. The regulation and general permit first became effective on November 16, 1994 and was reissued for an additional ten year term which became effective November 14, 2004.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The primary purpose of this action is to reissue the existing Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations (AFOs). The current VPA general permit expires on November 15, 2014.

Currently, the VPA General Permit Regulation for AFOs (9VAC25-192-10 et seq.) requires that waste (manure) which is generated at the AFO is applied in accordance with a Department of Conservation and Recreation (DCR) approved nutrient management plan on lands owned by or under the operational control of the permitted owner of the AFO. Where the land application of waste is limited by reasons such as elevated phosphorus soil test levels, the further treatment and transfer of waste off the farm is becoming necessary. Emerging manure handling and treatment technology is making the transfer and possible marketing of manure based products off the farm more common as well as prompting the consideration of importing other wastes to supplement treatment processes. The regulation does not address waste (manure) transfer, the construction and operation of alternative manure treatment and storage facilities or the management of off-site generated waste materials to be used to feed an on-farm digester or other manure treatment technology. Amendments are being proposed to address each of these issues including requirements extending to the end-users of waste which is transferred off the farm.

Substance

Please briefly identify and explain the new substantive provisions (for new regulations), the substantive changes to existing sections, or both where appropriate.

The amendments include changes to allow for the reissuance of the general permit which expires on November 15, 2014. The current regulation does not address waste (manure) transfer, the construction and operation of alternative manure treatment and storage facilities or the management of off-site generated waste materials to be used to feed an on-farm digester or other manure treatment technology. The proposed amendments include options to transfer animal waste off the farm as long as specific requirements are followed by the permittee and the end-users of the animal waste. Additionally, the proposed amendments include options to manage imported waste materials as long as specific requirements by the permittee.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The primary advantage of the proposed regulatory action is the reissuance of the regulation which will allow for owners of animal feeding operations to be covered under the general permit. The permit contains provisions appropriate for the protection of state waters, and the general permit process allows for protection of water quality with minimum agency resources related to the issuance of the permit. This is an advantage for the public, the regulated community, as well as the Commonwealth. There are no disadvantages of the proposed regulatory action.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements for animal feeding operations that do not discharge. The Virginia Pollution Abatement (VPA) General Permit Regulation for Animal Feeding Operations (AFOs) is a state program with requirements included in the regulation necessary to meet the state statutory requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

This general permit regulation affects the entire state: no particular localities are identified to be disproportionately impacted by this regulatory action.

Public Participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal, the potential impacts of the regulation on the regulated community and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the [insert either: Board or agency] is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community and on any impacts of the regulation on farm and forest land preservation. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so at the public hearing or by mail, email or fax **Betsy Bowles, P.O. Box 1105, Richmond, Virginia 23218, phone 804-698-4059, fax 804-698-4032 and betsy.bowles@deq.virginia.gov**. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at www.townhall.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by DEQ by the close of the comment period.

A public hearing will be held and notice of the public hearing will appear on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and can be found in the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

It is not anticipated that the reissuance of this regulation will cause any economic impacts in the Commonwealth.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Currently, 140 animal feeding operations are covered under this general permit. One alternative to the reissuance of the VPA General Permit Regulation for Animal Feeding Operations is to issue an individual VPA permit to each animal feeding operation which confines 300 or more animal units. However, due to the number of animal feeding operations currently required to obtain coverage under a VPA permit, it is not practical to issue an individual VPA permit to each operation. Operations that do not qualify for coverage under the general permit will be issued an individual VPA permit.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The regulation includes authorization for coverage under the general permit as well as establishes the utilization, storage, tracking and accounting requirements related to animal waste. The use of the general permit is the alternative to issuing coverage under an individual Virginia Pollution Abatement (VPA) permit. Compliance with the technical requirements is an alternative to requiring animal waste end-users to obtain coverage under the general permit or an individual VPA permit.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

One written comment was submitted by one organization. Agency Response to NOIRA Comments: The comment received for the NOIRA was provided to the members of the Technical Advisory Committee for consideration during the draft regulation development process.

Commenter	Affiliation	Comment
Ann Jennings	Chesapeake Bay Foundation	This email is in response to the current and pending public notices regarding the VPA General Permit Regulations for AFOs and [VPA] Permit Regulations related to AFOs. I understand that the State Water Control Board will use one technical advisory committee to develop proposals for both of these actions. I am, therefore, writing to request the Chesapeake Bay Foundation's participation in the technical advisory committee.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that an amendment to this regulation will have any impacts on the family and family stability.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.

The proposed changes to the regulation are outlined on the following pages.

Regulation Section	Action	Changes at Proposed Stage	Rationale
9VAC25-192 (Chapter Title)	Amended Title of Chapter	Amended to read: VIRGINIA POLLUTION ABATEMENT (VPA) REGULATION AND GENERAL PERMIT FOR ANIMAL FEEDING OPERATIONS AND ANIMAL WASTE MANAGEMENT	Amended Title to clarify that this Chapter includes both the general permit and technical requirements outside of the general permit.
9VAC25-192-10. (Definitions)	Amended definition	Amended Agricultural storm water definition to read: "Agricultural storm water discharge " means a precipitation-related discharge of manure, litter, or process wastewater which has been applied on land areas under the control of an animal feeding operation or under the control of a poultry waste end-user or poultry waste broker in accordance with a nutrient management plan approved by the Virginia Department of Conservation and Recreation and in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater.	Clarify the definition and make it consistent with other regulations which govern animal feeding operations.
	Amended definition	Amended Animal feeding operation definition to read: "Animal feeding operation" means a lot or facility where the following conditions are met: 1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and 2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the operation of the lot or facility. Two or more animal feeding operations under common ownership are a single animal feeding operation for the purposes of determining the number of animals at an operation, if they adjoin each other, or if they use a common area or system for the disposal of wastes.	Remove "other than aquatic animals" from the definition to eliminate any confusion since we do not cover aquatic animal operation.
	Added definition	Added Animal waste definition to read: "Animal waste" means liquid, semi-solid, and solid animal manure, poultry waste and process wastewater, compost or sludges associated with livestock and poultry animal feeding operations including the final treated wastes generated by a digester or other manure treatment technologies.	Added the definition to clarify the use of the term as used in this regulation.
	Added definition	Added Animal waste end-user definition to read: "Animal waste end-user" means any recipient of transferred animal waste who stores or who utilizes the waste as fertilizer, fuel, feedstock, livestock feed, or other beneficial use for an operation under his control.	Added the definition to clarify the use of the term as used in this regulation.

Regulation Section	Action	Changes at Proposed Stage	Rationale
9VAC25-192-10. (Definitions)	Added definition	Added Animal waste fact sheet definition to read: "Animal waste fact sheet" means the document that details the requirements regarding utilization, storage, and management of animal waste by end-users. The fact sheet is approved by the department.	Added the definition to make it consistent with other regulations which govern animal feeding operations.
	Added definition	Added Beneficial use definition to read: "Beneficial use" means a use that is of benefit as a substitute for natural or commercial products and does not contribute to adverse effects on health or environment.	Added the definition to clarify other terms used in the regulation.
	Added definition	Added Nutrient management plan definition to read: "Nutrient management plan" or "NMP" means a plan developed or approved by the Department of Conservation and Recreation that requires proper storage, treatment, and management of animal waste and limits accumulation of excess nutrients in soils and leaching or discharge of nutrients into state waters; except that for a animal waste end-user who is not subject to the general permit, the requirements of 9VAC25-192-90 constitute the NMP.	Added the definition to make it consistent with other regulations which govern animal feeding operations.
	Added definition	Added Organic source definition to read: "Organic source" means any nutrient source including, but not limited to, manures, biosolids, compost, and waste or sludges from animals, humans, or industrial processes, but for the purposes of this regulation it excludes waste from wildlife.	Added the definition to clarify other terms used in the regulation. Added the definition to make it consistent with other regulations which govern animal feeding operations.
	Added definition	Added Waste nutrient analysis rate definition to read: "Waste nutrient analysis rate" means a land application rate for animal waste approved by the board as specified in this regulation.	Added the definition to clarify other terms used in the regulation.
	Deleted definition	Deleted Operator definition which reads: "Operator" means any person who owns or operates an animal feeding operation.	The definition of owner is in the VPA Permit Regulation and this definition of operator causes confusion to the meaning for this regulation.
	Deleted definition	Deleted Permittee definition which reads: "Permittee" means the owner whose animal feeding operation is covered under this general permit.	The definition of permittee is in the VPA Permit Regulation and this definition of permittee causes confusion to the meaning for this regulation.
9VAC25-192-20. (Purpose, delegation of authority)	Amended subsection A.	Amended the subsection to clarify the pollution activities which are governed by the regulation and general permit.	Removed language since this is not just a general permit regulation.
	Amended subsection C.	Amended effective date of the permit	Amended date for reissuance.

Regulation Section	Action	Changes at Proposed Stage	Rationale
NEW 9VAC25-192-25. (Duty to comply)	Added new section	Added new section which includes language regarding the duty to comply with the regulation and general permit by the owner of the AFO and the animal waste end-user.	Added new section to clarify the duty to comply with the general permit and the regulation, including the technical requirements.
9VAC25-192-50. (Authorization to manage pollutants)	Amended subsection A.	Added an internal catch line: <u>Owner of an animal feeding operation.</u>	Added to clarify which subsection applies to a particular entity.
	Amended subsection A.1.	Amended: 1. The owner operator has not been required to obtain a VPDES permit or an individual <u>VPA</u> permit according to <u>subdivision 2 of 9VAC25-32-260 B</u> ;	Amended to correct the subsection in accordance with the Code of VA §62.1-44.17:1.
	Amended subsection A.2.	Amended to clarify what is managed under the general permit: 2. The operation of the animal feeding operation shall not contravene the Water Quality Standards, as amended and adopted by the board, or any provision of the State Water Control Law. There shall be no point source discharge of wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm. Agricultural stormwater discharges are permitted. Domestic sewage <u>shall not be managed under this general permit. or industrial</u> Industrial waste shall not be managed under this general permit, <u>except for wastes that have been approved by the department and are managed in accordance with 9VAC25-192-70</u> ; Added local government ordinance form to the language.	Clarify what is allowed to be managed under the general permit.
	Amended subdivision A.3.	Added local government ordinance form to the language.	Amended to clarify the proper form to attach for notification from the governing body.
	Amended subdivision A.4.	Amended language by replacing operator with owner. The statute speaks to the owner of the AFO.	Amended to clarify who is required to comply with the regulation.

Regulation Section	Action	Changes at Proposed Stage	Rationale
9VAC25-192-50. (Authorization to manage pollutants)	Amended subdivision A.5.	Amended language by replacing operator with owner. The statute speaks to the owner of the AFO. Replaced permit with registration statement since comments are submitted relevant to the registration statement not the permit. Replaced received by with mailed to.	Amended to clarify which document submitted comments are relevant. Amended to make regulation consistent with other general permit language.
	Amended subdivision A.6.	Amended to clarify the statutory authority for the training program requirement. Removed the Department of Conservation and Recreation. Replaced operator with permitted owners. The statute speaks to the owner of the AFO.	Clarifies statutory authority for the training and who is required to complete the training program.
	Added new subsection B	Added new language concerning the requirement of the end-user to comply with the technical requirements or obtain coverage under the general permit. Added the end-user to the authorization to manage pollutants governed by the general permit and added requirements similar to the growers (from subsection A.)	Added language to clarify who is authorized to manage pollutants
	Added new subsection C	Added new language concerning continuation of permit coverage.	Added new language to make the regulation consistent with other regulations which govern animal feeding operations.
	Added new subsection D (contents are old subsection B)	Moved contents of old B. to new D. Replaced operator with permittee.	Amended language to clarify responsibility of the permittee.
9VAC25-192-60 (Registration statement)	Amended subsection A	Added internal catch line <u>The owner of an animal feeding operation.</u> Replace operator with owner throughout..	Added to clarify which subsection applies to a particular entity.
	Amended subdivision 8 (split subdivision into 2 subdivisions 8 & 9)	Split subdivision 8 - leaving DCR approved NMP attachment here and moved language (the nutrient management plan must be developed by a certified nmp writer) to subdivision 9.	Amended to clarify the requirements of the permit applicant with regards to the attachments.
	Added subsection B	Added language for a registration statement for the end-user.	Added to allow for a separate registration statement.
	Moved contents of B to subsection C. Amended subsection C	Moved contents and amended citation.	Moved contents to allow for new subsection B and amended to correct the citation.

Regulation Section	Action	Changes at Proposed Stage	Rationale
9VAC25-192-70 (Contents of the general permit)	Amended General Permit Dates	Revised effective and expiration dates. Removed modification dates.	Amended dates for reissuance of the general permit.
	Amended language in opening paragraph	Replaced operator with owner. Added the animal waste end-user.	Added to allow for coverage under the general permit if required.
	Amended permit title	Added "and animal waste management"	Amended to broaden permit for the animal waste end-user.
	Amended language in second paragraph	Added the animal waste end-users. Deleted "or policies"	Added to allow for coverage under the general permit if required. Amended language to make regulation consistent with other regulations that govern AFOs.
	Amended language in third paragraph	Added the titles of the permit parts.	Amended language to clarify the subject matter of the parts of the general permit.
	Amended Part I.B.3.	Added "Virginia" to licensed professional engineer.	Added "Virginia" to licensed professional engineer to ensure clarity of the requirements.
	Amended Part I.B.5.	Amended general permit condition.	Amended language to clarify condition based on the Code of VA §62.1-44.17:1.
	Added Part I.B.6.	Added new general permit condition.	Added language to allow for new waste storage other than earthen waste storage or liquid waste storage.
	Moved Part I.B.7. was Part I.B.10.	Moved notification condition.	Moved notification condition.
	Added Part I.B.8.	Added condition related to storage.	Added condition to make regulation consistent with other regulations which govern AFOs.
	Amended Part I.B.9.	Replaced operator with permittee.	Amended to make the general permit language consistent.
Added Part I.B.10.	Added conditions related to wastes treated by a digester or other manure treatment technologies. Includes options to import waste materials to feed the treatment facilities such as a digester. Also includes recordkeeping requirements.	Added condition to allow flexibility for managing a digester or other manure treatment technologies and imported waste materials.	

Regulation Section	Action	Changes at Proposed Stage	Rationale
9VAC25-192-70 (Contents of the general permit)	Amended Part I.B.11.	Added condition related to land application of wastes generated on the farm under the nutrient management plan.	Added condition to make regulation consistent with other regulations which govern AFOs.
	Amended Part I.B.12.	Amended language regarding the nutrient management plan requirements. Removed plan for waste utilization (g.), added a new condition in Part I.B.17.	Clarify the language.
	Amended Part I.B.13.	Added " <u>Waste shall not be land applied within buffer zones</u> " to clarify restriction.	Clarify the prohibition.
	Amended Part I.B.14.	Amended the recordkeeping requirements.	Amended the recordkeeping requirements for clarity.
	Added Part I.B.15.	Added condition to allow for animal waste to be transferred under specific conditions.	Added condition to allow for animal waste to be transferred. Added condition to make regulation consistent with other regulations which govern AFOs.
	Added Part I.B.16.	Added condition to allow for animal waste to be transferred if recordkeeping requirements are met.	Added recordkeeping conditions to allow for animal waste to be transferred. Added condition to make regulation consistent with other regulations which govern AFOs.
	Added Part I.B.17.	Added a condition to include specific closure plan requirements.	Added a condition to include specific closure plan requirements.
	Amended Part I.B.18.	Amended to clarify the statutory authority for the training program requirement. Removed the Department of Conservation and Recreation. Replaced operator with permitted owners. The statute speaks to the owner of the AFO.	Clarifies statutory authority for the training and who is required to complete the training program.
	Amended Title of Part II	Added title of Part II: Conditions Applicable to all VPA permits	Amended language to clarify the subject matter of the parts of the general permit.
	Amended Part II.A.2.	Removed obsolete date.	Removed date because it is obsolete.

Regulation Section	Action	Changes at Proposed Stage	Rationale
9VAC25-192-70 (Contents of the general permit)	Amended Part II (moved contents of Part III to end of Part II)	Amended Part II by adding the contents of Part III to the end of the Part II. Renumbered the subsections. Removed language which was irrelevant to general permits.	Amended to allow for the two parts which contained the conditions applicable to all VPA permits to be contained in Part II of the general permit contents. Amended the Parts of the general permit to make regulation consistent with other regulations which govern AFOs.
	Amended Part III (animal waste end-user general permit conditions)	Amended Part III with new language related to animal waste end-users. The new language contains specific general permit conditions for animal waste end-users who are required to obtain coverage under a general permit. The conditions included in this Part for animal waste end-users is similar to Part I for the owner of the AFO. Requirements include: soils and waste monitoring, nutrient management plan, storage conditions, animal waste transfer recordkeeping, land application recordkeeping and land application buffer zones.	Amended to allow for the two parts which contained the conditions applicable to all VPA permits to be contained in Part II of the general permit contents. Amended the Parts of the general permit to make regulation consistent with other regulations which govern AFOs.
NEW 9VAC25-192-80 (Tracking and accounting requirements for animal waste end-users)	Added new section	Added new section: The new section was added to outline the technical requirements for end-users of transferred animal waste. The technical requirements address recordkeeping. The technical requirements specify items that must be recorded and maintained by the animal waste end-user. Added clarification of DEQ authority to inspect.	Added technical requirements for recordkeeping by animal waste end-users.
NEW 9VAC25-192-90. (Utilization and storage requirements for transferred animal waste)	Added new section	Added new section: The new section was added to outline the technical requirements for end-users of transferred animal waste. The technical requirements address proper storage and appropriate land application practices. The technical requirements specify storage requirements, methods to determine land application rates, buffer requirements, and land application timing. Added clarification of DEQ authority to inspect.	Added technical requirements for utilization and storage of animal waste by the end-users.
FORMS (9VAC25-192)	Amended section to reflect the changes made in 9VAC25-192-60 Added and amended forms	Amended: Virginia DEQ Registration Statement for VPA General Permit for Animal Feeding Operations for Owners of Animal Feeding Operations, RS VPG1 (rev. 02/13) Added: Virginia DEQ Registration Statement for VPA General Permit for Animal Feeding Operations for Animal Waste End-Users, RS End-Users VPG1 (rev. 02/13) Added: Animal Waste Fact Sheet, Requirements for Animal Waste Use and Storage (02/13)	Amended to reflect the changes made in 9VAC25-192-60. Created Animal Waste Fact Sheet to convey the requirements for animal waste end-users.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

AFO - Animal Feeding Operations

Animal waste - "Animal waste" means liquid, semi-solid, and solid animal manure, poultry waste and process wastewater, compost or sludges associated with livestock and poultry animal feeding operations including the final treated wastes generated by a digester or other manure treatment technologies.

Animal waste end-user - "Animal waste end-user" means any recipient of transferred animal waste who stores or who utilizes the waste as fertilizer, fuel, feedstock, livestock feed, or other beneficial use for an operation under his control.

300 A.U. - "300 animal units" means 300,000 pounds of live animal weight, or the following numbers and types of animals:

- a. 300 slaughter and feeder cattle;
- b. 200 mature dairy cattle (whether milked or dry cows);
- c. 750 swine each weighing over 25 kilograms (approximately 55 pounds);
- d. 150 horses;
- e. 3,000 sheep or lambs;
- f. 16,500 turkeys;
- g. 30,000 laying hens or broilers.

VPA - Virginia Pollution Abatement